

06-19-02

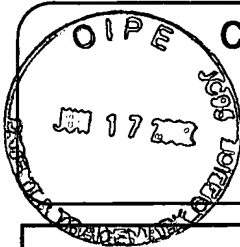
CPA/1600

PTO/SB/29 (10-00)

Approved through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable

X DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

Attorney Docket No.  
of Prior Application

02307E-084210US

First Named Inventor

Zuker, Charles S.

Examiner Name

U. Winkler

Group Art Unit

1648

Express Mail Label No.

EL 951984643 US

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JUN 21 2002

TECH CENTER 600/2900

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 09/361,630 filed on July 27, 1999 entitled  
NUCLEIC ACIDS ENCODING PROTEINS INVOLVED IN SENSORY TRANSDUCTION

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application: \_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		4-20* =	0	x \$18=	\$0
INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i)		2-3** =	0	x \$84=	\$0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x =	
				BASIC FEE (37 CFR 1.16)	\$740
Total of above Calculations =					\$740.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					\$370.00
* Reissue claims in excess of 20 and over original patent.					
** Reissue independent claims over original patent.					
TOTAL =					\$370.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 20-1430 :
- a. X Fees required under 37 CFR 1.16.
- b. X Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(l) enclosed.
11. ☐ New Attorney Docket Number, if desired  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b. X Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: \_\_\_\_\_

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**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

## 14. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		Customer No. 20350 (Insert Customer No. or Attach bar code label here)		or <input type="checkbox"/> New correspondence address below	
Name					
Address					
City		State		Zip Code	
Country		Telephone		Fax	

## 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED


Name (Print /Type)	Annette S. Parent
Signature	<i>Annette S. Parent</i>
Registration No. (Attorney/Agent)	42,058
Date	June 17, 2002

#2  
Amended (CPA)  
10/24/02  
PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, label EL 951984643, addressed to Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231 on June 17, 2002.

Attorney Docket No.: 02307E-084210US  
DHHS Ref. No.: 98-122-2

O I P E  
JUN 17 2002  
PATENT & TRADEMARK

By:   
Dana Kane

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

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In re application of:

ZUKER *et al.*

Examiner: U. Winkler

Art Unit: 1648

PRELIMINARY AMENDMENT

Application No.: 09/361,630

Filed: July 27, 1999

For: NUCLEIC ACIDS ENCODING PROTEINS  
INVOLVED IN SENSORY TRANSDUCTION

Box CPA  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the final Office Action mailed June 15, 2001 and the Notice of Appeal mailed December 17, 2001, please amend the above-identified application as follows. A petition to extend the time for response for four months, from February 17, 2002 to June 17, 2002, is submitted herewith. Also enclosed is a request to file a CPA pursuant to 37 CFR 1.53(d).

IN THE CLAIMS

Please cancel claims 1-35 and 37-98 without prejudice to subsequent revival.

Please add new claims 99-102, as follows.

All pending claims are provided in Appendix A.

99. (new) An isolated nucleic acid encoding a taste cell specific polypeptide, the nucleic acid consisting of a nucleotide sequence of SEQ ID NO:12 or SEQ ID NO:13.

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cancel